

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

CHARLES DAUBITZ III,

Petitioner,

v.

THE STATE OF TEXAS,

Respondent.

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Case No. 6:20-cv-74-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Petitioner Charles Daubitz III, an inmate proceeding pro se, filed this petition for the writ of habeas corpus. In his petition, Petitioner challenged the legality of his classification status, arguing that an allegedly improper security precaution designator has been placed upon him. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. The Magistrate Judge issued a Report recommending that the petition be dismissed because Petitioner did not exhaust his state remedies and because Petitioner does not have a constitutionally protected liberty interest in his classification status. Docket No. 20.


Petitioner objected to the Magistrate Judge's Report stating that he is only trying to get the security precaution designator removed from his classification file because it has been twelve years since the incident that resulted in the designator being placed, and asking for help in getting classified as G2 (minimum custody) or G3 (medium custody). Docket No. 25. Petitioner did not address the Magistrate Judge's

conclusions concerning exhaustion of state remedies or Petitioner's lack of a liberty interest in his custodial classification.

The Court has conducted a careful de novo review of those portions of the Magistrate Judge's proposed findings and recommendations to which Petitioner objected. *See* 28 U.S.C. § 636(b)(1) (District Judge shall "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.") Upon review, the Court has determined that the Report of the Magistrate Judge is correct, and Petitioner's objections are without merit.

Accordingly, the Court hereby **ORDERS** that Petitioner's objections are overruled and the Report of the Magistrate Judge (Docket No. 20) is **ADOPTED** as the opinion of the District Court. It is further **ORDERED** that this petition is **DISMISSED WITH PREJUDICE**. A certificate of appealability is **DENIED**. All pending motions are hereby **DENIED AS MOOT**.

So **ORDERED** and **SIGNED** this **1st** day of **September, 2020**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE